

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8227

November 26, 2018

BY ECF

Honorable Andrew L. Carter
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Marquez v. Hoffman, et al.*
1:18-cv-07315 (ALC) (GWG)

Dear Judge Carter:

Our Office represents the State of New York (the "State") in the above-referenced action. I write to request an extension until January 18, 2019, to answer, move or otherwise respond to Plaintiff Alexis Marquez's ("Plaintiff") Amended Complaint, dated November 5, 2018, ECF No. 43. The State was served on November 7, 2018, and the current deadline is November 28, 2018. We seek this extension of time in order to investigate Plaintiff's allegations, to undertake an analysis of representation of other named defendants pursuant to section 17 of the Public Officers Law, and to draft an appropriate response to the complaint.

While this Office is not presently representing the individual defendants in this action, this extension is requested on their behalf for the limited purpose of protecting their litigation interests and avoiding default. The complaint names 19 defendants, including multiple state court judges and Office of Court Administration personnel. Our Office has received requests for representation and is in the process of conducting the investigation required by N.Y. Public Officers Law § 17(c).¹ Accordingly, this Office seeks to preserve the defendants' interests while it investigates the allegations in the complaint and renders determinations concerning representation.

¹ Section 17(c) reads: "Where the employee delivers process and a request for a defense to the attorney general as required by subdivision four of this section, the attorney general shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph (b) of subdivision two of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense."

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Plaintiff, through her counsel, consents to this request. This is the State's first request for an extension of time to respond to the Amended Complaint. There are presently no other scheduled deadlines or conferences that will be impacted by this extension request.

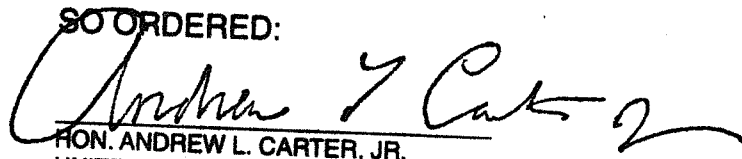
Respectfully submitted,

/s/ Monica Hanna

Monica Hanna
Assistant Attorney General

cc: Anthony Vassilev, Esq. (by ECF)

SO ORDERED:



HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
Nov. 26, 2018